

Att'y Docket No. 11714-P02
Christopher Evans, et al.


above. If any sums are due on account of claims adjustment(s), please charge Deposit Account
No. 03-2410, order 11714 P02.

Respectfully submitted,

CHRISTOPHER EVANS, et al., Applicants

Dated: June 6, 2002

By: _____


Jerry Cohen
Reg. No. 20,522
Attorney for Applicants

APPENDIX A**7. An apparatus for holding a soccer ball, comprising:**

- a) a tie down stake having
 - i) a spiraled lower portion to be inserted into the ground; and
 - ii) a circular-shaped upper portion;
- b) a ring mounted loosely on said circular-shaped upper portion, said ring able to travel along a substantial portion of said circular-shaped upper portion, said ring to hold a tether to said tie down stake;
- c) a handle under said circular-shaped upper portion;
- d) a tether line which has one section which is elastic and another section which is non-elastic; and
- e) means for securing the soccer ball in a minimally interfering way with kicking, the securing means comprising a net for holding the ball tied to the inelastic section of the tether line, the tether line being tied at its ends to, and extending between, the ring and said means for securing; and
- f) means for enabling the tether line to rotate about its own axis, comprising a removable swivel connection between the ring and the tether line.

Argy Docket No. 11714-P02
Christopher Evans, et al.

APPENDIX
B

11714 P01
JC/mej
6/05/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher Evans, et al.
Serial No. 09/495,871
Filed: January 28, 2000
For: APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE

Exam. M. Aryanpour
Group Art Unit: 3711

RULE 132 DECLARATION

The undersigned declarant, a co-inventor/co-applicant in the above identified application

states:

- (1) I have reviewed the above application and its parent as filed and amended including the proposed claims before the Examiner and all record references and PTO actions and state the following regarding the invention of the present application in relation to prior art.
- (2) The present invention as described and claimed comprises a soccer ball practice apparatus made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.
- (3) The principal reference, Ainscough et al., rejects an elastic tether line or the like. The patentees state at col. 1, ll. 30-43 to "substantially inelastic" (col. 2, l. 28).

By the term 'substantially inelastic' in describing the cord is meant that the fibers or strands forming the cord experience very little stretching or expansion other than a tensile or compression force which tightens or loosens the fit between adjacent fiber or strands. This cord is in contrast to a bungee cord which stretches substantially under a tensile force.

Further, a pole 46 or 66 is provided in all of the embodiments of FIGS. 1-6 and related text and in a commercial embodiment of it I have seen in the past and the point of the tether is high up rather than at ground level. Note, also, objection in the reference to anchoring and distant kicking (col. 1, ll. 21-42). In contrast the present invention affords a clear field of kicking above ground level in several directions

Att'y Docket No. 11714-P02
Christopher Evans, et al.

and return to the vicinity of the practice kicker. In the Ainscough et al. system the pole 46 or 66 interferes with ball movement and such interference and an inelastic tether limit realistic simulation of soccer play. But the reference asserts its own contrary features arguing for alleged offsetting advantages.

- (4) The Sowards reference has a similar objection to tethering and anchoring as in the presently recited invention, limiting the ball to rocking about ring 118 in a circular arc movement (FIG. 10) or spring 42 twisting (FIG. 1). There is no significant range of motion and no opportunity in Sowards' apparatus or in Ainscough et al., as described in their patents and as observed by me in commercial embodiments of their inventions, to simulate a true soccer pass or kick on goal and see a realistic motion of the ball. Sowards also objects to prior art (col. 1, ll. 13-24) tethering a soccer ball to an anchor on the basis that the tether causes a slow return time. This objection is solved by the current invention by varying the length and/or the thickness of the elastic tether. Contrary to Sowards' assertions, I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." While I (and my co-inventor - my brother Richard Evans) agree with the Ainscough et al. objection to the limitations of Dudley (USP 5,620,186) wrapping a cord around the anchor, like Sowards, Ainscough et al. are off the mark with respect to the elastic tethered ball not being available for contact with the player's foot. It is available as we have demonstrated over and over (and as others have demonstrated too with an embodiment of the invention; see below).
- (5) My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past, including devices corresponding to the Sowards and Ainscough et al. patents' disclosures. The presently recited invention provides a much closer approximation of normal game play than the system of either Sowards or Ainscough et al. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. With the Ainscough et al. device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice. The Sowards and Ainscough et al. devices do not permit the visual feedback young players need. They need to see if their kicking practice is producing the desired

Att'y Docket No. 11714-P02
Christopher Evans, et al.

results. By using an elastic tether the present invention allows the player to see the results of the kick in terms of velocity, trajectory, height and direction. These results are impossible to judge with the Ainscough et al. and Sowards devices and they are of central, crucial importance to a training device. This feedback feature is the result of applicants' use of the elastic cord that Ainscough et al. and Soward reject. The Shachner and Ring references applied along with Sowards and Ainscough et al. in the final rejection of the above application have also been studied and can only provide a combination with Sowards and Ainscough by ignoring teachings of the principal references.

- (6) My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below. We have provided to the Examiner an actual training apparatus commercial product of our company corresponding to the presently described and claimed invention. [Soccer Edge™ Bungee Cord Training Tool]. We have also provided several sheets copied from the back of a package for the Kwik Kick Speed Ball™ ("A Punching Bag for the Feet") a commercial embodiment of the Sowards invention. A commercial embodiment of the Ainscough et al. invention was offered on TV home shopping but was not a durable offering and has little, if any, market presence today as far as Applicants are aware. Soccer coaches have approved our Soccer Edge™ device favorably. We also sell well against Soccer Pal™, an apparatus based on USP 5,083,797 granted January 28, 1992 to Vartja et al. (also of record in this application). The described and presently claimed invention makes a distinct contribution to the art and all the evidence within the Sowards and Ainscough et al. references.
- (7) The favorable market response to the commercial embodiments of the present invention includes an initial order for 100 units about a year ago by the Sports Authority sports store chain for use in a pilot run in selected stores of the chain, and recently a reorder for 1000 units for use in 50 stores, with a prospect of later reorders for placement through this customers' 200 plus U.S. stores. We have also sold the product to MC sports in Fall 2001 (240 units), Spring 2002 (360 units), Summer 2002 (780 units). Both customers are reordering based on success with earlier units.
- (8) The commercial success can only be attributed to merit of the product as appraised by these sophisticated retail customers. Our company cannot afford significant marketing/advertising. We have no sales employees. We have no leverage of other products to use to gain shelf space. The sales that occurred at the retail level were without any prompting of end users by us. We know of no returns or complaints at the end user level. (These situations if occurring would be likely come to our attention via the retail chains). Our Soccer Edge brand product had good sell-

Air'y Docket No. 11714-P02
Christopher Evans, et al.

through in multiple stores and we are informed that it outsold Kwik Kick Speedball
in those stores during the trial period.

I hereby declare that all statements made herein of my own knowledge are true and that all
statements made on information and belief are believed to be true; and further that these statements
were made with the knowledge that willful false statements and the like so made are punishable by
fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that
such willful false statements may jeopardize the validity of the application or any patent issued
thereon.

Respectfully submitted.

Dated: June 6, 2002

By: Christopher Evans
CHRISTOPHER EVANS